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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,646	11/10/2000	Sameh A. Fakhouri	YOR920000201US1(13731)	5757

7590 01/10/2005

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EXAMINER
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BRUCKART, BENJAMIN R

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/710,646	Applicant(s) FAKHOURI ET AL.	
	Examiner Benjamin R Bruckart	Art Unit 2155	

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 5-25-2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-20 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20010525</u> . | 6) <input type="checkbox"/> Other: _____  |

**Detailed Action**

Claims 1-20 are pending in this Office Action.

***Information Disclosure Statement***

The information disclosure statement filed on 5/25/01 has been considered.

***Formal Drawings***

The formal drawings received on 4/25/01 have been entered.

***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1, 9, 17, are drawn to a method, apparatus and program storage device for resource discovery in a cluster configuration, classified in class 709, subclass 223.
- II. Claims 2, 10, 18 are drawn to a method, apparatus and program storage device for object oriented database of resources, classified in class 707, subclass 103.
- III. Claims 3, 11, 19 are drawn to a method, apparatus and program storage device for an optimization solver with graphical representation and translation, classified in class 706, subclass 19.
- IV. Claims 4, 12, 20 are drawn to a method, apparatus and program storage device for preprocessing events for optimizations and decisions, classified in class 706, subclass 46.
- V. Claims 5 and 13 are drawn to a method and apparatus for post processing solutions with dependencies, classified in class 706, subclass 17.

VI. Claims 6 and 14 are drawn to a method and apparatus for frame based reasoning, classified in class 706, subclass 53.

VII. Claims 7 and 15 are drawn to a method and apparatus task management with a scheduler, classified in class 718, subclass 102.

VIII. Claims 8 and 16 are drawn to a method and apparatus for distributed simulation, classified in class 706, subclass 44.

The inventions are distinct, each from the other because of the following reason:

Invention Groups I-VIII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are show to be separately usable. In the instant case, invention in Group I has separate utility such locating discovering and managing resources. See MPEP § 806.05(c). Invention in Group II has separate utility and is for manipulating object-oriented database. Invention in Group III has separate utility and is for an optimization solver. Invention in Group IV has separate utility and is for preprocessing events. Invention in Group V has separate utility and is post processing solutions with dependencies. Invention in Group VI has separate utility and is for frame-based reasoning. Invention in Group VII has separate utility and is for task management with a scheduler. Invention in Group VIII has separate utility and is for distribution and simulation.

Inventions in Group I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP §

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808.01). In the instant case the different inventions are (1) discovering and managing resources, (2) manipulating an object-oriented database, (3) optimization solver, (4) preprocessing events and creating a solution, (5) post processing a solution with dependencies, (6) frame based reasoning, (7) task manager with a scheduler, and (8) distributed and simulation system.

Because these inventions are distinct for the reason given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II and so on, restriction for examination purposes as indicated is proper.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Applicant is reminded that to traverse this requirement on the grounds that the groups are not patentably distinct, applicant should present evidence or identify such evidence now of record showing the groups to be obvious variations of one another. If the groups are determined not to be patentably distinct and they remain in this application, any rejection of one group over prior art will apply equally to all other embodiments. See Ex parte Appeal No. 315-40, 152 USPQ 71 (Bd. App. 1965). No argument asserting

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patentability based on the differences between the groups will be considered once the groups have been determined to comprise a single inventive concept.

### *Oath/Declaration*

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:  
The oath and declaration does not have any signatures.

### *Conclusion*

A shortened statutory period for reply to this final action is set to expire ONE MONTH or 30 DAYS from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number 571-272-3982. The examiner can normally be reached on 8:00-5:30 PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3982.

Benjamin R Bruckart

Examiner

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brb

1/10/05

*BB*



**HOSAIN ALAM**  
**SUPERVISORY PATENT EXAMINER**